App F IX 4

Previous References 1946 47 (nil)

File No 128-46

Serial Nos. 9, 10

[1] *Later Referenc s*

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Two

April 47

Part B for

SUBJECT

Acquisition of a portion of D. No. 33 Taluk Cutchery Road, W. of Bangalore city for opening a Conservancy lane

K13612

8 8 47

The complete

Notified, the

12

6641

From the Municipal Commissioner

S & A 166/44-45-d 12-2-47

Requests that the acquisition proceedings in respect of Door no 33 Taluk Cutchery Road may be withdrawn under Section 48 of the Land Acquisition Act as the owner of the property would be put to inconvenience on account of the acquisition of trade room and plush fixtures

1) Vide Govt order dated 20-5-1942 the acquisition of the following three properties was sanctioned for a public purpose, viz a Conservancy lane, on the Taluk Cutchery Road Awards have been passed in all the three cases Award and Surrender notices have also been issued and served on all the owners of properties in April 1945 It is seen that possession has also been taken of the two properties

Flag W

Door no	24	
"	35	
"	33	

Door nos ~~24~~ 24 and 35, from the respective owners and compensation amount has also been paid to them

2) At this stage, one Mr Ramachandran, owner of Door No 33, is reported to have protested against the acquisition of his house, on the ground that he would be ~~[illegible]~~ losing the front portion of his house, which contained bath room, flush latrine and a cocoanut ~~or~~ tree ~~[illegible]~~

3) The Municipal Commr has after ~~[illegible]~~ inspection recommended that the acquisition proceedings in respect of Door No 33, T.R. Road may be withdrawn, under Section 48 of the A&A Act-

A | 4) It is doubtful, from the legal aspect of the Question, if Govt can interfere at this stage, especially when award has already been passed and compensation amount also paid in respect of two properties included in the notification

1

36'1/Law 6641

5) It is not clear why the Municipal Council did not consider this aspect of the Question, when the acquisition was proposed and whether the party had claimed such objections at the proper time before final acquisition

6) It may not be in order to withdraw from acquisition of the property included in the Schedule

B / Fresh acquisition statements will be called for

1/3/47 for

for reasons of premia on the grounds referred to at pages supra

Law Secretary

1/3/47

for 8/3 submitted

Government may withdraw from the acquisition at any time before taking possession (under s 16 of the L A Act) except in a case covered under s 36

Withdrawal from agreement -

Presently being d no 33 appears to constitute an independent tort & presently and may be withdrawn from agreement

AMH 4 h 3 h 33

Q There is no obligation & undertaking, from accounting of any property of which possession has not been taken, except in the case provided for in section 36 (Vide sec 48) But the owner of property is entitled to compensation due for the damage suffered by him in consequence of the notice or of any proceedings thereunder since in this case the undertaking is about which the owner himself / there is no question of granting him any compensation

Lawyers) to 573 8K 1073 fols.

Advocates Ltd etc)

6641

11 pl put up a statement note,
-in accordance with the Law Minister
above - for
8/3/47 10/3/47

12 Submit with a draft withdrawal
notification for appl

The Reference
Library has
not had it
from Home Dept
14/3/47
14/3

reverted for
14/3/47

13) For approval
Chairman for
Home Dept

23/3
24/3/47

26/3/47

28/3

Issue
28/3/47

COPY OF THE LETTER
FROM EDUCATION DEPT
Date 25/3
No. 6459

TYPING SECTION
27 MAR 1947
SECTT

TYPING SECTION
28 MAR 1947
SECTT

The Complaint may
be withdrawn subject
to 13(2) of 8-4-47
Printers & Publishers

ml 128-46-9 6641

Bangalore City Municipality

No S L A 166/44-45
Encl Two maps of cadastral and two resolutions —

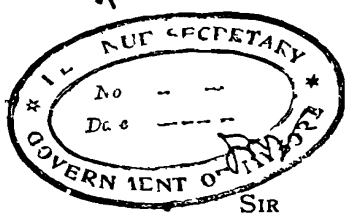
MUNICIPAL OFFICES
Bangalore 11th Feb *1947*

FROM

SAFI DARASHAH Esq B A
MUNICIPAL COMMISSIONER
BANGALORE CITY

ml [illegible] 14/2/47

To



J B Mallaradhya, Esq , M A ,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

Sir

Subject Acquisition of a portion of Door No 33, Taluk Cutchery Road, IV Division, Bangalore City for opening a conservancy lane

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With reference to the above, I have the honour to state that Government in their order No L 11050-1 dated 20th May 1942 sanctioned the said acquisition along with two other properties, authorising the Municipal Commissioner to take order for the acquisition The acquisition was published in the Mysore Gazette under Notification No L 11051-Ml 22-41-53 dated 20th May 1942 Subsequently the said authorisation was transferred to the Special Land Acquisition Officer attached to this Municipality under Notification No L 8720-Ml 22-44-50 dated 1-3-1945 (copies of notifications enclosed)

Flag IV

Flag 'g'

2 Accordingly the Special Land Acquisition Officer passed awards in all the three cases Award and surrender notices were issued and served on all the owners of the properties in April 1945, and possession was also taken of the other two properties from the owners and compensations paid

3 One Mr K Ramaswamiah who had purchased Door No 33 Taluk Cutchery Road under reference, had presented a petition to the undersigned on 23-5-1945 stating that according to the present proposal for acquisition he would be put to a lot of difficulties as he would be losing the front portion of his house which contained bath-room, flush latrine and one cocoanut tree, and prayed that his property may be released

released from acquisition On this the property was again inspected by the undersigned along with the Municipal Engineer and Health Officer and it was found that the objection raised by Mr Ramaswamiah was reasonable And the Health Officer suggested a fresh proposal on 10-12-1945 to the effect that the open land nearby may be acquired This was referred to the City Improvement Committee who, at their meeting held on 6-12-1946 resolved that the proposal of the Health Officer dated 10-12-1945 be approved and the present acquisition proceedings in respect of Door No 33, Taluk Cutchery Road be dropped This was approved by the Municipal Council at their meeting held on 16-1-1947 Copies of the two resolutions are herein enclosed for favour of reference

According to the said resolution of the Council, fresh proposals in the light of the recent Council resolution have been called for from the Municipal Engineer which will be submitted to Government for sanction in due course

In the above circumstances, I request that the acquisition proceedings in respect of Door No 33, Taluk Cutchery Road, may kindly be withdrawn under Section 48 Land Acquisition Act under notification in the gazette

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner

Forwarded with compliments

Honorary President

hsr/-

LAW SECRETARIAT 12 3

No L 11051—*Ml.* 22-41-53 *dated 20th May* 1942

Under Section 6 of the Land Acquisition Act No VII of 1894 it is hereby declared that the lands described hereunder are required for a public purpose viz for a conservancy lane and under Sections 7 and 8 (c) of the said Act the Municipal Commissioner City Municipality Bangalore is authorised to take order for the acquisition of the said lands

District City Division Street	Names of khatedars or owners	Municipal No	Vacant site, house tiled terraced or mudroofed	Total extent in sq yards or Anhamams	Extent required: Breadth in ft.	Area in Sq ft	Area in Sq yds	Anhamams	Rs as ft	Boundaries: East	West	North	South
Krishna Singh lane	Sri Kamalamma	24	Vacant land	185	14 12	168	18 7			D N 33	D N 25	D No. 23	Door No 35
	Mr Seshappa ..	35	Do Big Nerale tree	244	14 10 28 10	140 280							
						420	46·7	..	33		25 and 24	24	Remaining property
Bangalore Bangalore 54	Mr K Venkatasubba Sastry	33	Mud-roofed building cocoanut tree Compound and latrin mate-rials Land area ...	178	30 9½	285							
					35 9½	335	37 2			P h es	te 35	Remaining property	Municipal lane and 35

By Order

A SUNDARARAJA RAO
Secretary to Government
Law Department

Proceedings of the meeting of the Municipal Council dated 16-1-1947

--

Subject No 31

Opinion of the City Improvement Committee dated 6-12-1946 that the proposal to acquire No 33, in Taluk Cutchery Road be dropped and the proposal of Health Officer dated 10-12-1945 to acquire open land be approved

Resolution Approved

Sd/- A J Thaleel,
Honorary President

(Copy)

Municipal Commissioner

hsr/-

Proceedings of the meeting of the City Improvement Committee dated 6-12-1946

Sub 1 Defd Sub 2/25-9-46 Representation from Mr K Ramaswamiah that the acquisition of his property No 33 in Taluk Cutchery Road for forming a conservancy lane may be dropped

Resolved that the proposal of the Health Officer dated 10-12-1945 be approved and the present acquisition proceedings dropped

Sd/- P Sivashankar,
Chairman

(Copy)

Municipal Commissioner

hsr/-

-46-10

Under Section 48 (1) of the Mysore Land Acquisition Act, 1894 as amended from time to time, Government are pleased to withdraw the acquisition of a portion of door No 33, Taluk Cutchery Road, IV Division, Bangalore City, for opening a Conservancy Lane, Sanctioned in Notification No L 1051/TL 22-41-53, dated 20-5-1942, as the said property is no longer required for the purpose originally intended

P T-O

Revenue Secy

To

The Commissioner Mysore Gazette for
publication in the Gazettee and Extraordy
of 15 shave copies to the Municipal Com
Bangalore city

Memo No. 73613 dt 8/12/67

Copy w/c to Municipal Comm Bangalore city, for
information w/c reference to his letter
No S-2-A-166/67-68 dt 12-2-67

for Revenue

— — — — — ESS THE MAHARAIA OF MYSORE

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L 13612/Rd 128-46-10 General and Revenue Secretariat

Dated, Bangalore 8th April 1947/94

NOTIFICATION

Under Section 48 (1) of the Mysore Land Acquisition Act, 1894, as amended from time to time, the Government are pleased to withdraw the acquisition of a portion of Door No 35, Taluk Catchery Road, IV Division, Bangalore City, for opening a Conservancy lane, sanctioned in Notification No L 11051/Rd 22-41-53, dated 20th May 1942, as the said property is no longer required for the purpose originally intended.

BY ORDER,

SECRETARY TO GOVERNMENT

To

The Compiler, Mysore Gazette, for publication in Part III-I of the Gazette and supply of 15 spare copies to the Municipal Commissioner, Bangalore City

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No. L 13612/ml 128-46 General and Revenue Secretariat

Dated Bangalore 8th April 1947 *194*

NOTIFICATION

Under Section 48 (1) of the Mysore Land Acquisition Act, 1894, as amended from time to time, the Government are pleased to withdraw the acquisition of a portion of Door No. 30, Taluk Catchery Road, IV Division, Bangalore City, for opening a Conservancy lane, sanctioned in Notification No. L 11051/11 22-41-53, dated 20th May 1942, as the said property is no longer required for the purpose originally intended.

BY ORDER,

for SECRETARY TO GOVERNMENT

To

The Compiler, Mysore Gazette, for publication in Part III-I of the Gazette and supply of 15 spare copies to the Municipal Commissioner, Bangalore City

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L 13612/Rd 128-46-10 General and Revenue Secretariat

Dated Bangalore 8 April 1947 *194*

NOTIFICATION

Under Section 48 (1) of the Mysore Land Acquisition Act, 1894, as amended from time to time, the Government are pleased to withdraw the acquisition of a portion of Door No 33, Taluk Cutchery Road, IV Division, Bangalore City, for opening a Conservancy Lane, sanctioned in Notification No.L 11051/41-22-41-53, dated 20th May 1942, as the said property is no longer required for the purpose originally intended.

BY ORDER,

for SECRETARY TO GOVERNMENT

To

The Compiler, Mysore Gazette, for publication in Part III-I of the Gazette and supply of 15 spare copies to the Municipal Commissioner, Bangalore City.